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Planning Application (FUL) for the erection of a new agricultural machinery dealership premises at Slaters' Yard Charlesfield St Boswells TD6 0HH

Site Location

Slaters' Yard is located on the north side of the road at the junction between the C43 (Charlesfield Road) and the A68.

Grid Reference NT59148 30228

Access into the site is via an existing vehicular access off the C43.

Background

AB Wight Engineering Ltd was formed in 2012 by Andrew Wight alongside his brother Garry Wight. In the early years, welding and fabrication made up the main body of work alongside some general agricultural engineering & servicing. From there the business has steadily and sustainably grown through hard work, being flexible, providing good customer service and value for money.

The business has now grown into a leading agricultural machinery dealership in the Scottish Borders. AB Wight wish to continue expanding and growing to meet with demand, and in order to satisfy their customers many needs. They are hamstrung by their current buildings set up, which does not allow them to operate efficiently at present, or offer them the ability to expand.

AB Wight are currently located in three 'let' units, totalling a footprint of 5725 sq ft, within Charlesfield Industrial Estate.

In 2019, the site known as Slaters Yard' Charlesfield, which extends to 1.7 acres, was acquired by AB Wight.

The site is located on the north side of the C43 road, at the junction with the A68, situated between Charlesfield Industrial Estate and St Boswells.

Use of the site over the past -circa- 30 years +, has been as a storage yard by a plumbing and roofing firm. This use remains today.

Attempts have been made in the recent past -by the previous owners- to develop the site for other uses, including Residential, Office and a Children's Care Residence. Of the applications made, only one was refused, the others being withdrawn, though in all likelihood, they would have been approved on the basis of the benefits to the local community, per Local Plan Policy PMD4.

On taking ownership of the site, AB Wight have constructed fences in order to secure the site where they store valuable machinery. These works were carried out in advance of a planning application. A subsequent retrospective planning application was submitted and approved subject to the agreed hedge and tree planting scheme.

The site is now split into three distinct areas. The area from the entrance to the east has been laid with gravel aggregate to form a more usable yard space. The area to the north west of this has been left relatively untouched and the area to the south west has been fenced off to form a yard space for WM Majoribanks use as a storage space for their roofing & plumbing business.



Picture showing screening prior to AB Wight taking ownership.

Proposal

AB Wight Engineering Ltd wish to construct new premises with associated parking and curtilage area on their site at Slater's Yard, so that they may relocate all of their business under one roof from the units they currently let at Charlesfield Industrial Estate.



Existing view of site looking north from junction with A68



Screen planting and trees will be adopted around the periphery in order to provide screening and assimilation of the building into its surrounds.

AB Wight Ltd currently occupy Unit 10a, 16 & 17 in Charlesfield Industrial Estate, with a building area footprint of 5,725 sq ft. Small yard areas are available alongside each unit.

They propose to construct a new building measuring 48m x 20m at Slaters Yard, with a footprint totalling 10,330 sq ft, to provide their agricultural machinery dealership services to their existing & growing customer base.

The proposed building's ridge height would be kept to 7m, to minimise the impact on its surrounds and to aid its assimilation into the surrounding environment.

Site access is existing. The current access offers good sight lines and connectivity.



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Location/Proposed site outlined in red in relation to St Boswells Local Development Boundary

Planning History

Former agricultural land has been used as a storage area by a local roofing and plumbing firm for circa 30 years+, creating an established Class 6 Storage use, which remains today.

A rateable value is attributable to the site.

Planning applications were made in 2004, 2006 & 2010 for various developments including residential development, office and a children's care residence. Of these applications, four were withdrawn ahead of determination and one was refused.

Application	Determination
10/00242/PPP Child Care Residence	Withdrawn
10/00243/PPP Erection of Office & Storage Yard	Withdrawn
06/02332/OUT Erection of Office & Storage Yard	Withdrawn
06/02331/OUT Child Care Residence	Withdrawn
O4/01443/OUT Erection of Two Dwellings	Refused

Of the withdrawn, the applications made in 2006 were objected to by SEPA. The 2010 applications were not objected to by SEPA subject to their requirements, the Flood Risk Assessment and site plan.

Whilst there is no certainty, the likelihood appears that the 2010 applications would have been granted consent. It should be noted that the St Boswells community council were supportive of the development and that they believed the development would have **tidied up this site**.

It should not come as any great surprise that this site is being proposed for development, given what has gone before, the existing use of the site and the lack of alternative sites.

Site Context



Site outline -shown red- in relation to Countryside Around Towns area and zoned land of Charlesfield -shown white- directly to the south in white.

Slaters' Yard is a 1.7 acre site located north of the C43 Road at the junction with the A68. The land is fenced on all sides. Due north of the site is agricultural land, to the west is a single dwelling known as Midburn with a separating burn and tree belt, and on from that is Mainhill Farm. On the west of the site is the A68 running north/south with the St Boswells Tennis courts adjacent.

The site is located within the Countryside Around Towns area -Local Plan Policy EP6. Having carried out a pre-application enquiry, we are aware the planning officer's position is that they consider any future development for commercial purposes should be located within the land zoned as Charlesfield Extension zEL19 in the current Local Plan. There are a number of issues with this consensus.

1. The land immediately zoned within the Charlesfield Extension zEL19 is not immediately available for sale or lease, nor will it be in the short term.
2. There are no available sites within the existing Charlesfield Industrial Estate for AB Wight to relocate all of it's business to, whether that be freehold or leasehold.
3. Local Plan Policy ED1- Protection of Business and Industrial Land - 1.1 states-*'The Policy recognises the financial difficulty in bringing forward new business and industrial land in a rural area such as the Borders where, in the provision of business premises, there is a market failure situation.'*
4. The site proposed has an existing planning use -Class 6 Storage- under the Use Classes (Scotland) Order 1997. Changes to Class 4 are permitted without the requirement for Planning Permission.

5. The site is best described as a windfall site. It's use has been established through use over a period of time, rather than zoning.
6. The proposed new building is material development, which requires to be assessed in terms of siting, scale and suitability.
7. The site lies relatively close to St Boswells and it's Conservation Area Green. Site views have been provided to show the view seen from the Green.

Planning Position

Under the (Use Classes) (Scotland) Order 1997, the existing and previous use of this site falls under Class 6 -Storage.

Within the (Use Classes) (Scotland) Order 1997, permitted change between certain classes is consented without planning permission, including the change from Class 6 -Storage use, to Class 4 -Business use.

Class 4 - Business use, includes office use and light industrial use which could be –‘carried on in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit’ per the Use Classes (Scotland) Order 1997.

The proposed building will include workshop space for the service and repair of tractors and equipment with ancillary uses such as storage of parts and equipment, showroom, office space and a parts and consumables sales area.

The predominant usage of the site will fall under Class 4 Business use. We are aware that some garage and workshops are located within Class 5, but this is a generalisation easy to make, when perhaps the true interpretation is that given by the test set out above.

Of the detriments which industrial processes can potentially cause, perhaps only noise would be a consideration for this proposed use. Where works are carried out inside a building, then noise can be controlled and therefore reduced to levels where it is not to the detriment of a residential area.

Whilst the site is not in a defined residential area, as many Class 4 Business use premises are not, we would contend that it could be, without detriment to a residential area.

We are aware that motor car sales fall under a Sui Generis use class. This however, is not comparable to Tractor and Machinery sales, which are generally sold on farm and not to browsing public. Car sales are carried out in a retail environment, though strictly excluded from Class 1 use. Cars are sold with prices on them, off a forecourt, with salesmen attending to their needs from the sales floor.

It may be argued that service and repair is ancillary to the sales of tractors and machinery and that without the dealership the Class 4 Business use would not exist. This interpretation misses, as a matter of fact and degree, the true use test, which is the actual predominant site use.

Business & Economic Case

AB Wight are a local business, currently employing 10 local people. They hold the Scottish Borders dealership for McCormick Tractors, Dieci Telehandlers and Maschio Tillage Equipment.

As part of their franchisor agreement they are required to provide suitable space for the showing, storage and service of equipment being sold, maintained and developed from a single-premises.

AB Wight currently run their business out of three let units at Charlesfield Industrial Estate, including Unit 10a, 16 & 17. The total building footprint area occupied is 5725 sq ft. A relatively small yard area goes with each unit.

The existing units are let on short term leases which preclude further/large investment being made in the layouts and infrastructure because of the lack of long-term security. Even if longer term security was available within the current buildings, there is limited opportunity to create extra space.

The current operation set up is being made to work by AB Wight, because that is what they do. However, it is far from satisfactory and does impact on the running of their business for numerous reasons including –

- Efficiency
- Communication
- Safety
- Security

Even with the best of intentions, having your business spread about in different units creates detachment which leads to a reduction of output.

Unit 16 & 17 are adjoining, but the workshop space available to deal with servicing and repair of tractors and machinery is limited to 3-bays. With more service technicians/engineers than bays, this is not ideal for workflow and creates efficiency and safety issues.

Service demand is greater than output and expansion is required to meet with demand. The business has enough service demand to create a further 5 full time jobs, but at present there is not enough space to cater for this.

The proposed relocation and expansion would allow for the creation of the 5 additional full-time jobs. This allows the business to meet with demand, grow and consolidate it's position, whilst safeguarding existing jobs.

The proposed relocation to one single purpose-built premises will bring about improvements in all of the above encumbrances, thereby aiding the businesses viability and ability to expand.

Long term investment in new premises is therefore a main objective for AB Wight. Without which they cannot operate at the levels required by themselves, their franchisor, and their customer base, in order to be competitive and provide a first-class service from modern, bespoke designed premises.

AB Wight support the local community through sponsorship and provision of employment. They support other local businesses wherever possible and believe strongly in the local economy and the Scottish Borders area.

Given the organic growth of the current business, site ownership is seen as a necessary requirement in order for the business to invest in their asset, whilst providing security and provision of long-term employment.

Planning Policy Relevant

Policy PMD1 – Sustainability

Policy PMD2 – Quality Standards

Policy PMD3 – Land Use Allocations

Policy PMD4 – Development Outwith Development Boundaries

Policy ED1 – Protection of Business and Industrial Land

Policy ED2 – Employment Uses Outwith Business & Industrial Land

Policy ED7 – Business, Tourism & Leisure Development in the Countryside

Policy HD3 – Protection of Residential Amenity

Policy EP6 - Countryside Around Towns

Policy IS8 - Flooding

SBC LDP 2016

This application does not accord with some Local Plan policies because of the site's location. The site lies outside the St Boswells and Charlesfield development boundaries, but within the designated Countryside Around Towns area. In context of the Local Plan, the site is an anomaly.

The departure from some Local Plan policies cannot be viewed in isolation alone, because the site's use has been established through use over time, and is established.

The site has a rateable value and its use is classed as Class 6 Storage under the (Use Classes) (Scotland) Order 1997

SBC LDP policy PMD4 recognises that unanticipated or windfall development will arise out-with development boundaries. This can occur by design or existing use or a combination. The policy further recognises that they align with other local plan policies. It is therefore important to take the proposals in context of what is already permitted on the site, the benefits of the development to the surrounding area in terms of job creation and continued employment creation.

Windfall sites are defined by Scottish Government as – 'Sites which become available for development unexpectedly during the life of the development plan and so are not identified individually in the plan'.

Relevant local and national policy to assess this application includes –

Policy PMD1 – Sustainability

This proposal aligns with sustainability principal k in that it will provide new jobs and support to the local community.

Policy PMD2 – Quality Standards

Sustainability

Energy efficiency and carbon footprint are key areas in proposals made. Key points of the proposed development include-

- Incorporation of renewable energy via solar panels on the south elevation of the roof, in order that power usage is offset by that generated. *Note-Drawing doesn't currently show these.*
- Insulated panels will be used in the construction of the building to minimise heat loss and improve energy efficiency.
- Sustainable Urban Drainage Systems will be employed, though in the first instance rain-water from the roof will be harvested and stored for re-use on-site, thereby reducing the reliance on mains water.
- Screen planting is to be provided as per a previous planning application to aid the proposed new buildings assimilation into its surrounds.

Placemaking & Design

- Building design incorporates it's proposed use, but more importantly that of its surrounds. The buildings footprint is well proportioned to the site. Perhaps of more importance is the buildings height which effects its surrounds more obviously. The ridge height has been kept to 7m to minimise it's visual impact.
- Externally the building will be clad with grey composite panelling, with a portion of the south elevation and the east facing gable clad with glass.
- Attractive edging and screen planting is to be provided so that successful integration into its surrounds is achieved.

Accessibility

- The existing vehicular access is to remain. This entrance provides a safe access and egress with good sight lines.

Green Space, Open Space & Biodiversity

- The provision of hedging and trees around the periphery of the site, as well as the creation of a wetland area are all provided in order to mitigate & improve the biodiversity mix of the site.

Policy - PMD3 Land Use Allocations

Whilst we are aware that there is land allocated within the Charlesfield Industrial Estate extension zEL19 area for future Business and Industrial land. We are of the view that this is not available within the Local Plan period and doubtful if it will be available in the next. This is a constraint. As per this policy -

b) There is a constraint on the site and no reasonable prospect of it becoming available for the development of the proposed use within the Local Plan Period

This is strictly not what this policy was written for, but it is salient in this situation, on the basis that a constraint has arisen on zoned land, and an alternative site is proposed for development in lieu.

Policy - PMD4 Development Outwith development boundaries

This site is a windfall site in the context of this policy, but on its own, the site's use has been established by use over time. There is land zoned within the Charlesfield Industrial Estate extension zEL19 area, but this is not capable of development in the short to medium term, nor does it necessarily afford a business the opportunity to purchase their own site.

All businesses operate different economic models on structure and ownership. A business should not be penalised for wishing to invest their future within the Scottish Borders, by purchasing land and taking an opportunity available. Waiting for other suitable land to come available, is not something this business can afford, for it may

not, and hence the opportunity to continue the businesses growth and expansion, to meet with demand, would also be lost.

Policy PMD4 1.1 is clear – *‘It is considered that development outwith the Development Boundary should not be seen as an alternative to allocated sites where these are available and therefore, should only be an ‘exceptional’ occurrence’.*

Key wording in this policy statement is – *where these are available.* As above, following enquiries made, the site allocated at Charlesfield is not available at present, nor is it likely to be in the near future.

Whilst it is part of the council’s remit to provide a land allocation for employment use within their Local Plan, it does not follow that the land allocated is necessarily available to the market. The term marketable is one thing, but the provision, sale and realisation of this land in actively providing employment land is considerably far reaching and there are numerous factors why this is the case.

Short of compulsory purchase of the land and commencement of the development with all of the servicing that goes with a project of this size and scale, there is no way of realistically putting a timeline on the development of the land zoned within the Charelsfield Extension zEL19.

Further if the land was to come available, it might be on terms prohibitive to both any developer and or tenant. In other words, market failure.

Where a business wishes to invest in the ownership of land and develop their own site, this should be supported. As a model, business ownership allows an asset to be realised on the investment made, thereby helping to secure the businesses’ continuation and employment potential.

Policy - ED1 Protection of Business & Industrial Land

This Policy recognises the financial difficulty in bringing forward new business and industrial land in a rural area such as the Borders where, in the provision of business premises, there is a market failure situation.

It therefore follows, that alternative sites to be used for such purposes should be supported.

Policy - ED2 Employment uses Outwith Business and Industrial Land

Any proposal for such a use in such a location will be required to –

- a) Justify the need for that location, and**
 - b) Demonstrate significant economic and/or employment benefit, and**
 - c) Demonstrate that it can co-exist satisfactorily with adjoining uses.**
- b) This proposal will provide significant employment benefits to the local economy through the job creation of 5 new full-time positions.
- c) The site has been designed whilst considering assimilation to its surrounds. Screening will provide a large part of this, but the height and scale of the building as well as its colour will all ensure that the building can co-exist with it’s surrounds without impacting. Additionally, the site’s use, whilst established, seeks to provide minimal impact on residential surrounds, including the house due west and the conservation village of St Boswells.

Policy - ED7 Business, Tourism & Leisure in the Countryside

This policy supports certain development in the countryside. Strictly, this policy does not allow for the proposed use in this application, though it does relate strongly to agriculture.

That said, the overarching Scottish Planning Policy 2014, includes for this situation and is noted below with reference to this policy and EP6 Countryside Around Towns.

Policy - HD3 protection of Residential Amenity

POLICY HD3: PROTECTION OF RESIDENTIAL AMENITY

Development that is judged to have an adverse impact on the amenity of existing or proposed residential areas will not be permitted. To protect the amenity and character of these areas, any developments will be assessed against:

- a) the principle of the development, including where relevant, any open space that would be lost; and
- b) the details of the development itself particularly in terms of:
 - (i) the scale, form and type of development in terms of its fit within a residential area,
 - (ii) the impact of the proposed development on the existing and surrounding properties particularly in terms of overlooking, loss of privacy and sunlighting provisions. These considerations apply especially in relation to garden ground or 'backland' development,
 - (iii) the generation of traffic or noise,
 - (iv) the level of visual impact.

The principal of development proposed relates to the erection of a new building. The proposed use, is covered by the General Permitted Development Order.

In relation to the above points we find the following-

- a) The proposed use of the site is lawful, therefore the material development to be considered is the construction of the proposed new building.

The surrounding area is countryside, though St Boswells conservation area is located to the north and north east of the site and a house is located due west of the site and it's residential amenity is a material consideration.

The proposed use of the site is permitted, therefore, the material consideration to the nearby residential amenity is the scale of the building/development proposed.

Of the potential adverse impacts, we do not believe there are any affecting the nearby property or the conservation area, by overlooking, loss of privacy or sunlighting provisions. Further, the level of visual impact would be minimised by the scaling of the proposed building and the screening to be provided.



View from Conservation Green with Building in-situ



View from junction between A68 & A699

Policy - EP6 Countryside Around Towns

This policy aims to ensure that the identified Countryside Around Towns Area and the high-quality living environment it provides is protected. The policy further aims to prevent piecemeal development, which would detract from the area's environment, and to avoid coalescence of settlements, thereby retaining their individual identity.



Site location outlined red within the CAT policy area

We recognise that the development proposed is not in-keeping with this Local Plan policy, but it should be noted that the existing use of this site is established. The proposed development on this site is not creep, it is the result of a unique set of circumstances which have arisen.

Para 52 of the SPP 2014 relates to both the Countryside Around Towns policy EP6 & ED7 Business, Tourism & Leisure in the Countryside.

Within Para 52, it states –

Local development plans should describe the types and scales of development which would be appropriate within a green belt. These may include:

- *development associated with agriculture, including the reuse of historic agricultural buildings;*
- *development associated with woodland and forestry, including community woodlands;*
- *horticulture, including market gardening and directly connected retailing;*
- *recreational uses that are compatible with an agricultural or natural setting;*
- *essential infrastructure such as digital communications infrastructure and electricity grid connections;*
- *development meeting a national requirement or established need, if no other suitable site is available; and*
- ***intensification of established uses subject to the new development being of a suitable scale and form.***

Para 93 states -

- ***The Planning system should give due weight to net economic benefit of proposed development.***

Policy - IS8 Flooding

Policy IS8 states – *‘The policy is intended to discourage development from taking place in areas which are, or may become, subject to flood risk. Where some level of risk may be acceptable, it also provides for development to be designed such as to minimise it.’*

The SPP 2014 aligns in part with the LDP policy IS8. Relevant parts include-

- **Medium to High Risk** – annual probability of coastal or watercourse flooding is greater than 0.5% (1:200 years)
 - May be suitable for:
 - residential, institutional, commercial and industrial development within built-up areas provided flood protection measures to the appropriate standard already exist and are maintained, are under construction, or are a planned measure in a current flood risk management plan;
 - essential infrastructure within built-up areas, designed and constructed to remain operational during floods and not impede water flow;
 - some recreational, sport, amenity and nature conservation uses, provided appropriate evacuation procedures are in place; and
 - job-related accommodation, e.g. for caretakers or operational staff.
 - Generally not suitable for:
 - civil infrastructure and the most vulnerable uses;
 - additional development in undeveloped and sparsely developed areas, unless a location is essential for operational reasons, e.g. for navigation and water-based recreation, agriculture, transport or utilities infrastructure (which should be designed and constructed to be operational during floods and not impede water flow), and an alternative, lower risk location is not available; and
 - new caravan and camping sites.
 - Where built development is permitted, measures to protect against or manage flood risk will be required and any loss of flood storage capacity mitigated to achieve a neutral or better outcome.
 - Water-resistant materials and construction should be used where appropriate. Elevated buildings on structures such as stilts are unlikely to be acceptable.

Both policies use the words ‘generally not’. We have established in the past that this is a general guidance statement which is overarched by assessing each proposal on an individual basis. Proposals should be assessed by reference to both the level of risk shown, and the mitigation provided. If proposals are not assessed on this basis, and instead a general rebuttal is made, then inevitably, the decisions made, could be said to be ‘Ultra Vires’

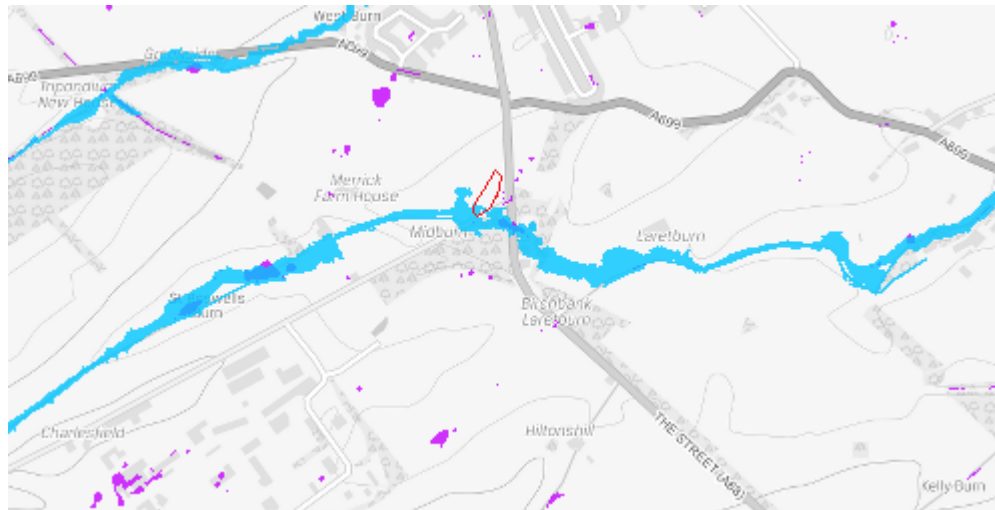
Flooding Comment & Mitigation

Slaters' Yard site is located adjacent to St Boswells Burn, on its eastern side. SEPA Flood Maps and a Flood Risk Assessment carried out by Kaya Consulting, confirm that part of the site is within an area where the annual probability of water course flooding is greater than 0.5% (1:200 years).

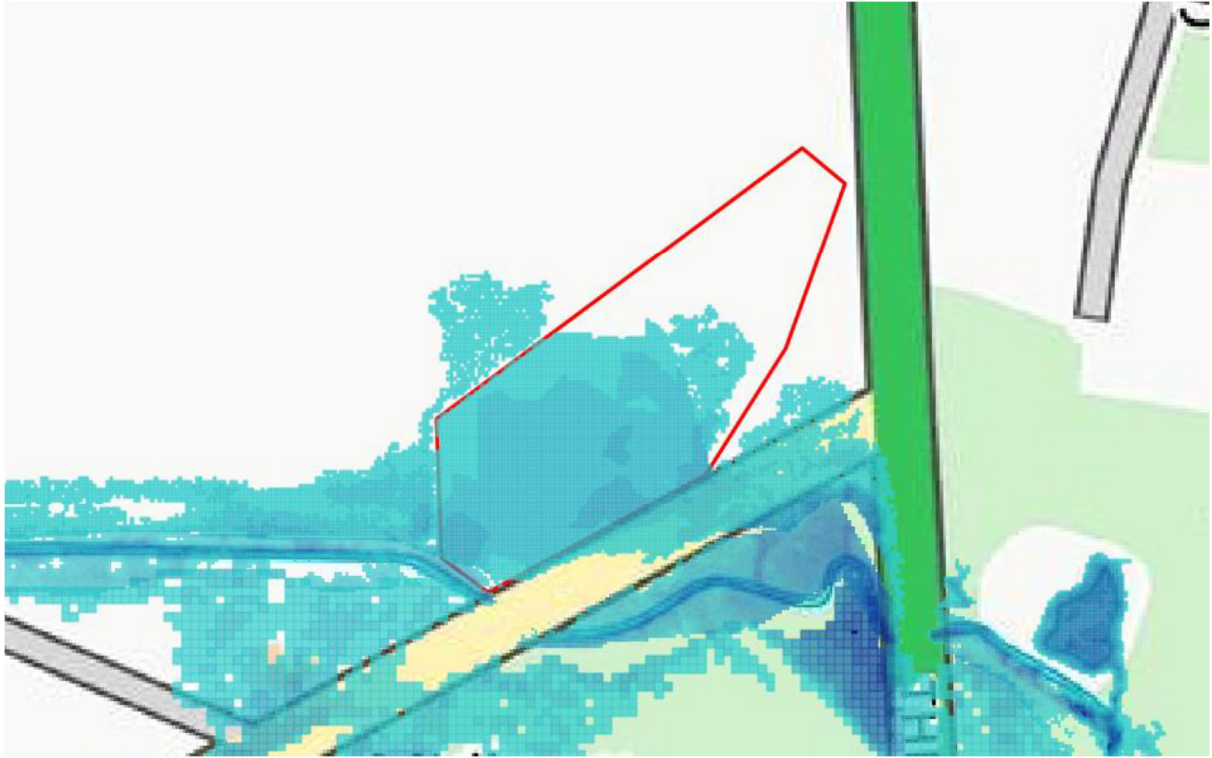
- The water course flooding from the St Boswells burn is caused by the culvert's -crossing beneath the C43 road- limited size.
- There is no evidence of the site ever flooding historically.
- The area shown to flood would encompass the western part of the site, including the west most half of the proposed building and part of the access road.
- The 1 in 200-year site flood level is 85.50 m AOD

The water level shown in the model, over the western half of the proposed building is circa 100mm -150mm above the existing ground level of 85.35-85.40 m AOD.

We have slight issues with the accuracy of the eastern portion of the flood model results produced by the software. Appraising the TOPO survey it appears to us that the water would flow west to east until it reaches a line at right angles with the current site access as per the Kaya Flood Model with proposed building overlaid. Site levels on the TOPO fall away from 85.40-85.20 m AOD to the south over the C43 road and beyond. At this point it would appear that the water would flow out of the site over the C43 road, and onto the land due south and then over the A68 following the path of least resistance. Below we show the SEPA flood maps model at 1 in 200 year with our site outline depicted in red. We also show the Kaya Consulting Flood Model and the Kaya Flood Model with the proposed building overlaid.



SEPA flood maps showing 1 in 200 year flood in relation to site.



Flood Model produced by Kaya Consulting showing flooding at 1 in 200-year flood model



Kaya Consulting's Flood model with proposed building approximately overlaid.

The Kaya Consulting flood risk assessment provides three potential options for development of this site, on the basis of the model results. Of the three, option two is Kaya Consulting's preferred route.

If we are to accept that flooding will make its way this far east then we require to appraise the options noted.

Option 1 - Not viable.

Option 2 – Whilst leaving the site levels as they are, any building located within the flood plain would still cause displacement of flood water, even when allowing it to flood. Should we raise the building's floor level 150mm above the 1 in 200 year modelled flood level -to 85.65m AOD, it would cause similar displacement to the flood water should we leave the buildings floor level at 85.40m AOD.

The area of flood water modelled within the building area, is approx 50 cm³. Displacement of this amount of water would be to other areas of the site, with no impact to third parties. However, If the displacement of this amount of water was thought to cause an issue, we could provide underground tank storage, out with the flood area to contain the approximate 50 cm³ of water shown by the model, until the flooding recedes.

Option 3 – This would be possible, but we believe that the existing site TOPO levels would allow the water to flow off the site via the site entrance, over the C43 and onto the triangular piece of ground to the south and towards the A68.

The area of building at risk from flooding is to be used as storage and part workshop area. The building will be constructed from concrete floors and dwarf block walls, therefore it is resilient, and could withstand flooding of this level and type. Proposing the finished floor level to be lifted by 150mm above the modelled flood level -to 85.65m AOD- would stop flood water breaching the building.

We believe that any development proposed should take account of flood risk and be resilient, should the worst case flooding scenario occur. Whilst we dispute the extent of the flooding shown by the Kaya Consulting's model, we believe that even if this situation was to occur, proposals made would be resilient enough to withstand the level of flooding modelled with the following hierarchy of risk factors assessed-

- Occupant & visitor safety
- Third party safety i.e. emergency services
- Buildings susceptibility/resilience to flooding
- Impact of development on flooding elsewhere
- Potential sewage discharge/pollution

Given the level of flooding modelled is approx 100mm higher than the existing ground, the risk to occupant and third-party safety is negligible.

Vehicles could still access and egress the site, should the flood model occur.

The building can easily be designed to provide resilience to flooding. A concrete floor and block walls can withstand water ingress before drying, without any lasting damage occurring to the building's fabric.

The buildings location, with or without raising the floor would have a minor displacement impact on flooding to elsewhere within the site.

A sewage treatment plant would be located out-with the flood risk area, therefore removing the risk of pollution caused by the flooding.

A surface water soakaway would also be employed out-with the flood plain area.

All of the above risk factors have been addressed and there is nothing which cannot be sensibly mitigated against without causing harm elsewhere.

Standard Freeboard allowance is generally 600mm. We propose 150mm, on the basis that-

1. Displacement caused by the building, at either FF level would be similar.
2. The standard Freeboard allowance is not required, for what is in effect a big puddle, likely to flow south not further east.
3. If the building floor level was to be left as the existing ground level, at 85.40m AOD, part would potentially flood. The buildings use and construction type is resilient and allows it to withstand a certain amount of flooding without damage occurring to the fabric. The modelled flooding is therefore of negligible concern.

Conclusion

This proposal needs to be looked at in the round, whilst considering the site's existing and proposed uses. The key points to appraise include-

- The proposal is sensitive to its surrounds and assimilates well. Suitable scaling and screening has been used to achieve this.
- Whilst the proposal does not fully align with some planning policies, there is an overriding benefit to the local economy which outweighs any perceived detraction.
- The site's existing use is long established, change of use from Class 6 Storage to Class 4 Business Use is permitted.
- We recognise the site is located within the CAT policy area and would consider that this site falls into the windfall category.
- The creation of 5 jobs is a **very** significant economic benefit in considering this proposal.
- Sustainable technology and infrastructure is being employed to minimise the impact of the proposed development's carbon footprint.
- Mitigation has been provided to meet with flood modelling, thereby allowing the development to be assessed on this basis, and not on guidance which sometimes is taken as statute, when that is not what is intended for.
- Biodiversity is also being made allowance for in the hedges and trees to be planted as well as the green space area being created in the west of the site.